



US Army Corps  
of Engineers  
Fort Worth District

# Public Notice

Number: CESWF-96-RGP-8

Activity: Boat Ramps and Minor Facilities

Date: September 11, 1996

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This public notice is to inform you of the issuance of Regional General Permit 8 on September 11, 1996. The permit will automatically expire on September 10, 2001, unless it is previously revoked, modified or extended.

## **Regulatory Program**

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

## **Section 10**

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

## **Section 404**

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States, including wetlands*. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

## **Contact**

U.S. Army Engineer District  
Regulatory Branch  
PO Box 17300  
Fort Worth, TX 76102-0300  
(817) 978-2681

U.S. Army Engineer District  
El Paso Regulatory Office  
P. O. Box 6096  
Fort Bliss, Texas 79906-0096  
(915) 568-1359

**REGIONAL GENERAL PERMIT**  
**BOAT RAMPS AND MINOR FACILITIES**

Interested parties are hereby notified that, in accordance with 33 CFR 325.2(e) published in the Federal Register November 13, 1986, the Fort Worth and Albuquerque districts of the U.S. Army Corps of Engineers (USACE) authorize the work described herein by Regional General Permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

The purpose of this regional general permit (RGP) is to expedite the authorization of minor recurring work. This RGP contains provisions intended to protect the environment, including natural and cultural resources. Work that will not comply with these provisions may require authorization by individual permit. However, compliance with the provisions of this RGP does not guarantee authorization of the proposed work by this RGP. Work or structures that will have unacceptable impacts on the public interest are not authorized. Activities requiring Department of the Army authorization not specifically covered by this RGP are prohibited unless authorized by a separate permit.

This RGP is being issued by the Fort Worth District as CESWF-96-RGP-8 and by the Albuquerque District as TX-96-50011. It replaces the RGPs issued by the Fort Worth District as SWF-90-DISTRICT-RGP-8 and the Albuquerque District as TX-OYT-0430A, both of which expired on December 19, 1995.

**SCOPE OF WORK FOR BOAT RAMPS:**

Work authorized for boat ramps by this permit is limited to the construction and maintenance of hard surfaced inclined plane ramps for the purpose of launching boats for public, private, and commercial use. No more than a total of 500 cubic yards of material may be dredged or filled below the ordinary high water mark in the construction of a boat ramp. Such material is restricted to native soils obtained at the work site and concrete, sand, gravel, rock, or other coarse aggregate. Use of asphalt below the ordinary high water mark is not authorized. All dredged and fill material utilized shall be of suitable quality and free of toxic pollutants in toxic quantities. If the boat ramp is planned for a wetland area, the applicant must comply with Compliance Procedure 1 on page 4 of this RGP.

**SCOPE OF WORK FOR OTHER MINOR FACILITIES:**

Work authorized by this RGP is limited to the construction and maintenance of minor facilities such as boat docks, boathouses, fishing piers, walkways, boat stalls, boat slips, ski jumps, underwater fish attractors, and appurtenant structures such as shoreline walls, mooring devices, and stairways within 50 feet of either side of the facility, for public, private, and commercial use. Structures built in waterways shall not unreasonably interfere with navigation or disrupt visibility in a channel. These structures shall not extend into the waterway more than 1/5 of the total width of the waterway or exceed 50 feet, whichever is less, perpendicular to the bank.

1. Boat docks, boat houses, fishing piers, and walkways are limited to pile-supported or floating structures.
2. Boat slips or stalls may not exceed 50 feet in width. Any excavation or filling for boat slips must be adequately stabilized to prevent erosion. Any excavation for boat slips may not extend waterward beyond 15 feet from the end of the structure.
3. Ski jumps must be maintained in good condition and marked so as to be clearly visible to boat traffic, including reflective markers for night visibility. Navigable clearance must be maintained around the jump. Ski jumps must be constructed and anchored to prevent their dislocation or submergence by wave action or water level fluctuations.
4. No more than a total of 50 cubic yards of material may be dredged from waters of the United States in the construction or maintenance of minor facilities or appurtenant structures.
5. No more than a total of 50 cubic yards of dredged or fill material, exclusive of that associated with dredging, may be discharged below the ordinary high water mark during the construction of minor facilities or appurtenant structures including all permanent and temporary fills. The fill material which may be used is restricted to native soils obtained at the work site, concrete, sand, gravel, rock, or other coarse aggregate. All dredged or fill material utilized must be free of waste metal products, organic materials, unsightly debris, etc., and toxic pollutants in toxic quantities.
6. Underwater fish attractors may be placed when and where needed to provide more favorable habitat for diverse fish populations provided this is the sole purpose for the discharge. All placement sites on reservoirs or lakes must be coordinated with the administrative agency of the water body and the exact location of the site recorded. Materials authorized for the construction of fish attractors include any large coarse material at least two inches in diameter which will not degrade water quality. These materials include but are not limited to wood, automobile tires, pipe (metal, clay, concrete, or plastic), broken concrete, brick, rock, rip rap, gravel, brush, or hay bales. Sufficient ballast or anchorage must be used to prevent material from floating and becoming a boating hazard. All material discharged into the water must be free of toxic pollutants in toxic quantities. The discharge of material must be limited to an area of 0.5 acre at any one location within the waterbody. All structures must provide a minimum five foot clearance below the normal low water surface to preclude interference with navigation.
7. If work is planned for wetland areas, the applicant must comply with Compliance Procedure 1 on page 4, of this RGP.

#### LOCATION OF WORK:

The provisions of this RGP apply to all waters of the United States within the regulatory boundaries of the Fort Worth and Albuquerque districts in the states of Texas and Louisiana (see attached map, Appendix A).

### WATER QUALITY CERTIFICATION:

The Texas Natural Resource Conservation Commission (TNRCC) has conditionally certified the discharges authorized by this RGP pursuant to Section 401 of the Clean Water Act (CWA) providing the standard provisions of the Section 401 Water Quality Certification, Pages 1-3 of 3, dated September 3, 1996, are followed (Appendix B). The Louisiana Department of Environmental Quality (LDEQ) has certified the discharges authorized by this RGP pursuant to Section 401 of the CWA.

### AUTHORIZATION FROM OTHER AGENCIES:

The permittee is responsible for obtaining any additional federal, state, or local permits that may be required, including, but not limited to:

1. When streambed materials such as sand, shell, gravel and marl are to be disturbed or removed from state-owned waters in Texas, the permittee may be required to obtain a permit from the Texas Parks and Wildlife Department (TPWD), 4200 Smith School Road, Austin, Texas 78744. All activities occurring on lands owned or managed by the TPWD require a signed agreement from that agency prior to commencing operations.
2. Activities outside the permit area of the USACE that may affect a federally listed endangered or threatened species or its critical habitat could require permits from the U.S. Fish and Wildlife Service to prevent a violation of the Endangered Species Act under Section 9.
3. All activities in Texas located on lands under the jurisdiction of the General Land Office (GLO), 1700 North Congress Avenue, Austin, Texas 78701-1495, must have prior approval from that office. The placement of structures onto state-owned streambeds in Texas may require an easement from the GLO.
4. Any activities on lands, or in waters, under the jurisdiction of any river authority or other operating agency may require a permit from that authority or agency.
5. Activities involving government property on USACE reservoirs will require submission of detailed design information to the reservoir manager and the manager's approval of the proposed activity.
6. Activities within a 100-year floodplain may require a permit from the local floodplain administrator or the TNRCC (in Texas). In addition, evidence that the project meets non-encroachment restrictions in regulatory floodways may be required.
7. Activities such as clearing, grading, and excavation that would disturb five or more acres of land may require a National Pollutant Discharge Elimination System storm water management permit from the U.S. Environmental Protection Agency, Region 6, Water Quality Protection Division (6WQ), 1445 Ross Avenue, Dallas, Texas 75202.

8. The construction, operation, maintenance, or connection of facilities at the borders of the United States are subject to Executive control and must be authorized by the President, Secretary of State, or other delegated official. Proposed activities affecting an international water in Texas, including the Rio Grande, Amistad Reservoir, Falcon Lake, and all tributaries of the Rio Grande, may require authorization from the International Boundary and Water Commission, The Commons, Building C, Suite 310, 4171 North Mesa Street, El Paso, Texas 79902.

#### CONDITIONS OF THE REGIONAL GENERAL PERMIT:

In addition to limitations discussed in the scope of work, projects authorized by this RGP are subject to the general conditions contained in Appendix C.

#### COMPLIANCE PROCEDURES:

It is the applicant's responsibility to insure that the construction is in compliance with all terms and conditions set forth herein. Failure to abide by these conditions invalidates the authorization and constitutes a violation of the Clean Water Act and/or the Rivers and Harbors Act of 1899.

Provided these conditions are met, work may begin without additional administrative procedures from this office except in those special situations discussed below. Projects beyond the scope of this RGP may be considered for authorization by individual permit.

1. If work is planned within a wetland area, the applicant must first notify the appropriate District office of the USACE and provide, at a minimum, a vicinity map, a description of the proposed work, and the location of the work superimposed on a sketch delineating the existing shoreline and wetland area. This information will be evaluated and, if appropriate, the USACE will verify in writing that the activity is authorized by this RGP. Upon receipt of written verification, work may begin.

2. Due to potential impacts on endangered species, if any work is planned for the Comal River, the San Marcos River, the Pecos River, Lake Casa Blanca or within areas identified as critical habitat for the Concho water snake (*Nerodia hateri paucimaculata*) including areas of the Concho and Colorado Rivers and Ivie (Stacy) Reservoir, the applicant must first notify the USACE and provide, at a minimum, a description of the proposed work, a vicinity map, and a sketch delineating the existing shoreline and wetland areas (if any) in the project area with the location of the work superimposed. This information will be evaluated and, if appropriate, the USACE will verify in writing that the activity is authorized by this RGP. Upon receipt of written verification, work may begin.

Address applications and inquiries regarding proposed activities to the district office within whose boundaries the proposed project falls (see Appendix A):

Fort Worth District:      Regulatory Branch, U.S. Army Corps of Engineers, Fort Worth District, ATTN: CESWF-OD-R, P.O. Box 17300, Fort Worth, TX 76102-0300. Telephone: (817) 978-2681, Fax: (817)978-2120.

Albuquerque District: El Paso Regulatory Office, U.S. Army Corps of Engineers,  
Albuquerque District, ATTN: CESWA-CO-R-EP, P.O. Box 6096,  
Fort Bliss, TX 79906-0096. Telephone: (915) 568-1359, Fax:  
(915) 568-1348.

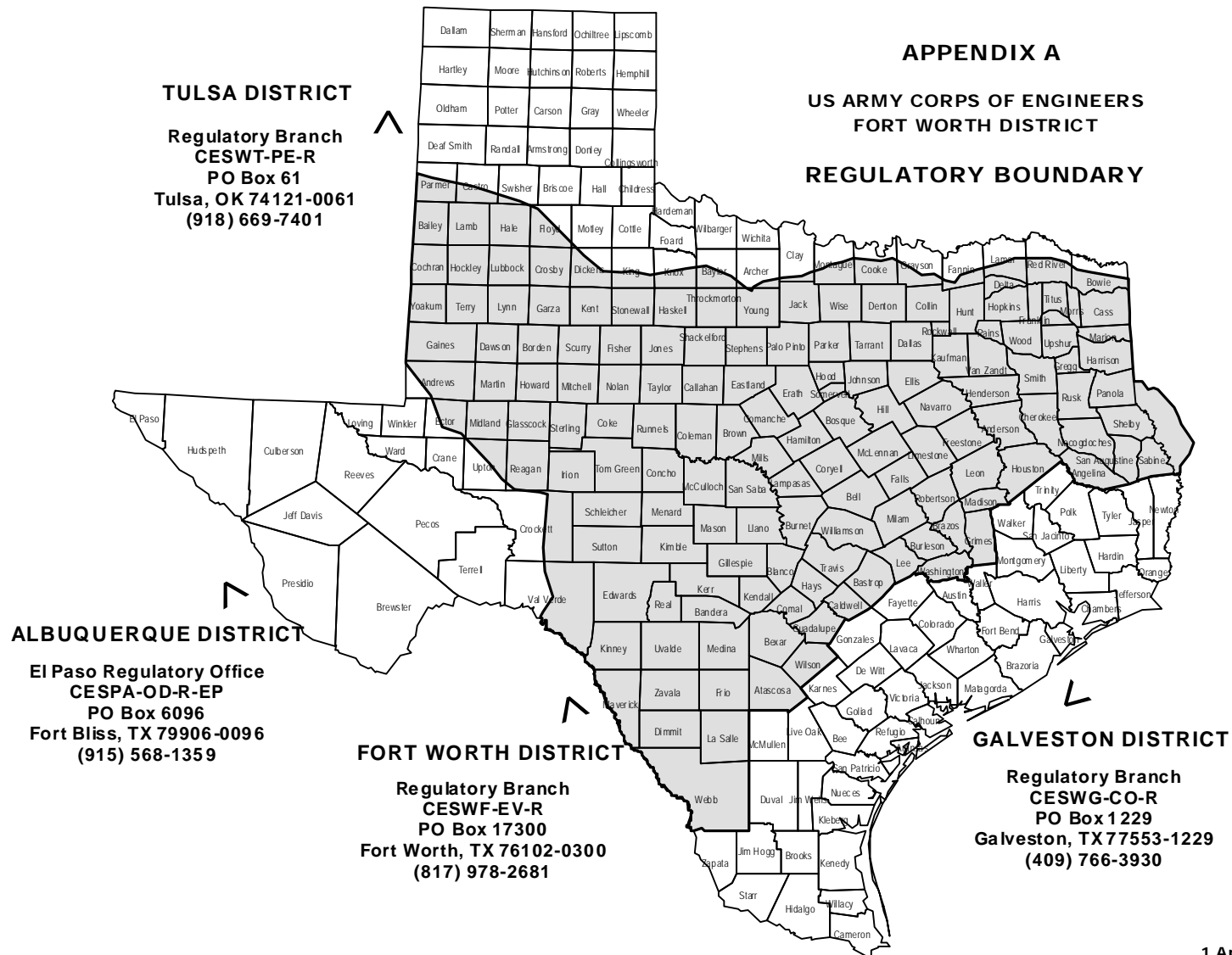
This RGP shall become effective on the date of the signature of the District Engineers, or their authorized representative and will automatically expire five years from that date unless the RGP is modified, revoked, or extended before that date. Activities authorized under this RGP that have commenced (i.e. are under construction), or are under contract to commence in reliance on this RGP will remain authorized provided the activity is completed within twelve months of the expiration, modification, or revocation of the RGP, unless discretionary authority has been exercised by the USACE on a case-by-case basis to modify, suspend, or revoke the authorization.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:  
FOR THE DISTRICT ENGINEERS :

## **ORIGINAL SIGNED**

Peter T. Madsen  
Colonel, Corps of Engineers  
District Engineer  
Fort Worth District

Lloyd S. Wagner  
Lieutenant Colonel, EN  
District Engineer  
Albuquerque District



## APPENDIX B

### Attachment 1 - Dredge and Fill Certification USCOE Permit No. CESWF-96-RGP-8 September 3, 1996 Page 1 of 3

**WORK DESCRIPTION:** As described in public notice dated June 24, 1996.

#### **SPECIAL PROVISIONS:**

Before using any used tires under this permit the applicant must obtain the necessary authorization from the Automotive Waste Management Section in the Municipal Solid Waste Division of the TNRCC.

**GENERAL:** This conditional certification, issued pursuant to the requirements of Title 30, Texas Administrative Code, Chapter 279, is restricted to the work described in the application or joint public notice and shall expire 5 years from the date of issuance of the Corps of Engineer (COE) permit. This certification may be extended to any minor revision of the COE permit when such change(s) would not result in an impact on water quality. The TNRCC reserves the right to require full joint public notice on a request for minor revision. The applicant is hereby placed on notice that any activity conducted pursuant to the COE permit which results in a violation of the state's surface water quality standards may result in an enforcement proceeding being initiated by the TNRCC or a successor agency.

**STANDARD PROVISIONS:** These following provisions attach to any permit issued by the Corps of Engineers and shall be followed by the permittee or any employee, agent, contractor or subcontractor of the permittee during any phase of work authorized by a Corps permit.

1. The water quality of wetlands shall be maintained in accordance with all applicable provisions of the Texas Surface Water Quality Standards including the General, Narrative and Numerical Criteria.
2. The applicant shall not engage in any activity which will cause surface waters to be toxic to man, aquatic life or to terrestrial life.
3. Permittee shall employ measures to control spills of fuels, lubricants, or any other materials to prevent them from entering a watercourse. All spills shall be promptly reported to the TNRCC, Emergency Spill Response, at (512) 463-7727.
4. Sanitary wastes shall be retained for disposal in some legal manner. Marinas and similar operations which harbor boats equipped with marine sanitation devices shall provide state/federal permitted treatment facilities or pump out facilities for ultimate transfer to a permitted treatment facility. Additionally, marinas shall display signs in appropriate locations advising boat owners that the discharge of sewage from a marine sanitation device to waters in the state is a violation of state and federal law.
5. Materials resulting from the destruction of existing structures shall be removed from the water or areas adjacent to the water and disposed of in some legal manner.



## **Attachment 1 - Dredge and Fill Certification**

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6. A discharge shall not cause substantial and persistent changes from ambient conditions of turbidity or color. The use of silt screens or other appropriate methods is encouraged to confine suspended particulates.
7. The placement of any material in a watercourse or wetlands shall be avoided and placed there only with the approval of the Corps when no other reasonable alternative is available. If work within a wetland is unavoidable, gouging or rutting of the substrate is prohibited. Heavy equipment shall be placed on mats to protect the substrate from gouging and rutting if necessary.
8. Dredge Material Placement: Dredged sediments shall be placed in such a manner as to prevent any sediment runoff onto any adjacent property not owned by the applicant. Liquid runoff from the disposal area shall be retained on-site or shall be filtered and returned to the watercourse from which the dredged materials were removed. Except for material placement authorized by this permit, sediments from the project shall be placed in such a manner as to prevent any sediment runoff into waters in the state, including wetlands.
9. If contaminated spoil that was not anticipated or provided for in the permit application is encountered during dredging, dredging operations shall be immediately terminated and the TNRCC, Emergency Spill Response, shall be contacted at (512) 463-7727. Dredging activities shall not be resumed until authorized by the Commission.
10. Contaminated water, soil or any other material shall not be allowed to enter a watercourse. Noncontaminated stormwater from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11. Stormwater runoff from construction activities (US EPA Category X) are governed by the requirements of the US Environmental Protection Agency. Applications to apply for a general permit are to be obtained from Region 6, US EPA at (214) 665-7185.
12. Upon completion of earthwork operations all temporary fills shall be removed from the watercourse/wetland and areas disturbed during construction shall be seeded, riprapped, or given some other type of protection to minimize subsequent soil erosion. Any fill material shall be clean and of such composition that it will not adversely effect the biological, chemical or physical properties of the receiving waters.
13. Disturbance to vegetation will be limited to only what is absolutely necessary. After construction, all disturbed areas will be revegetated to approximate the pre-disturbance native plant assemblage.
14. Where the control of weeds, insects and other undesirable species is deemed necessary by the permittee, control methods which are nontoxic to aquatic life or human health shall be employed when the activity is located in or in close proximity to water, including wetlands.

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15. Concentrations of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the water, or otherwise interfere with reasonable use of the water in the state.
16. Surface water shall be essentially free of floating debris and suspended solids that are conducive to producing adverse responses in aquatic organisms or putrescible sludge deposits or sediment layers which adversely affect benthic biota or any lawful uses.
17. Surface waters shall be essentially free of settleable solids conducive to changes in flow characteristics of stream channels or the untimely filling of reservoirs, lakes and bays.
18. The work of the applicant shall be conducted such that surface waters are maintained in an aesthetically attractive condition, foaming or frothing of a persistent nature is avoided and surface waters shall be maintained so that oil, grease, or related residue will not produce a visible film of oil or globules of grease on the surface or coat the banks or bottoms of the watercourse.
19. This certification shall not be deemed as fulfilling the applicant's/permittee's responsibility to obtain additional authorization/approval from other local, state or federal regulatory agencies having special/specific authority to preserve and/or protect resources within the area where the work will occur.

## **APPENDIX C**

### **GENERAL CONDITIONS OF THE REGIONAL GENERAL PERMIT FOR BOAT RAMPS AND MINOR FACILITIES**

1. In verifying authorization under this RGP, the Department of the Army relies in part on the information provided by the permittee. If that information proves to be false, incomplete, or inaccurate, the authorization may be modified, suspended, or revoked, in whole or in part.
2. Structures and activities authorized by this RGP shall comply with all terms and conditions herein. Failure to abide by such conditions invalidates the authorization and may result in a violation of the law, requiring restoration of the site or other remedial action.
3. This RGP should not be considered as an approval of the design features of any authorized structure or work or an implication that such is considered adequate for the purpose intended. This RGP does not authorize any damage to private property, invasion of property rights, or any infringement of federal, state, or local laws or regulations. Nor does it relieve the permittee of the requirement to obtain a permit from the jurisdiction within which the project is located and to address all non-encroachment restrictions within a regulatory floodway of such local jurisdiction as identified by the Federal Emergency Management Agency.
4. This RGP may be modified or suspended in whole or in part if it is determined that the individual or cumulative impacts of work that would be authorized by this RGP are contrary to the public interest. The authorization for individual projects may also be summarily modified, suspended, or revoked, in whole or in part, upon a finding by the District Engineer that immediate suspension of the project would be in the public interest.
5. Any modification, suspension or revocation of the District Engineer's authorization shall not be the basis for any claim for damages against the United States.
6. This RGP does not authorize the interference with any existing or proposed Federal project. The permittee shall not be entitled to compensation for damage or injury to the structures or activities authorized herein which may result from existing or future operations undertaken by the United States in the public interest.
7. No attempt shall be made by the permittee to prevent the full and free public use of all navigable waters of the United States at or adjacent to the project authorized herein.
8. There shall be no unreasonable interference with navigation by the existence or use of the permanent and temporary structures authorized herein.
9. This RGP does not authorize the discharge of dredged or fill material into waters of the United States for purposes of disposal and/or reclamation.

10. The permittee shall make every reasonable effort to conduct the activities authorized herein in a manner that will minimize any adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, and trees, particularly hard mast-producing trees such as oaks and hickories.
11. The permittee shall allow the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to assure that the activity being performed under this authorization is in accordance with the terms and conditions prescribed herein.
12. The permittee shall take into account the impact of activities authorized by this RGP on cultural resources listed, or eligible for listing, in the National Register of Historic Places (NRHP), prior to the initiation of work. The permittee shall notify the District Engineer, if known or previously unknown cultural resource sites are encountered during work authorized by this RGP, and the sites avoided until the USACE can assess their eligibility for listing in the NRHP. Sites determined to be eligible for listing in the NRHP shall be mitigated in consultation with the USACE. Cultural resources include prehistoric and historic archeological sites, and areas or structures of cultural interest which occur in the permit area.
13. The permittee shall use, and maintain in effective operating condition, appropriate erosion and siltation controls during construction, and permanently stabilize all exposed soil and other fills at the earliest practicable date.
14. The permittee shall remove all temporary fills in their entirety to a confined upland area.
15. The permittee shall coordinate all construction activities in federally maintained channels and/or waterways for required setback distances with the appropriate USACE area or district office.
16. The permittee shall place heavy equipment working in wetlands on mats, or take other measures to minimize soil disturbance.
17. The USACE shall not grant authorization under this RGP for an activity that is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act, or for an activity that is likely to destroy or adversely modify the critical habitat of such species. The permittee shall notify the District Engineer if any listed species or critical habitat might be affected by, or is in the vicinity of, the project, and shall not begin work until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.
18. The permittee shall properly maintain any structure or fill authorized by this RGP, including maintenance to insure public safety.

19. The permittee shall not discharge dredged or fill material in the proximity of a public water supply intake.
20. The permittee shall not conduct activities in a component of the National Wild and Scenic River System.
21. Channel or boat lane construction or maintenance is not authorized by this permit.
22. The permittee shall avoid or minimize discharges of dredged or fill material into waters of the United States through the use of other practicable alternatives.
23. The permittee shall not undertake activities that restrict or impede the passage of normal or expected high flows.
24. The permittee shall not significantly disrupt the movement of those species of aquatic life indigenous to the water body or those species that normally migrate through the project area.
25. The permittee shall insure that all structures are designed to withstand the forces of flowing water, wave action, and the wake of passing vessels.
26. This permit does not authorize work in a park, wildlife management area, refuge, sanctuary, or similar area administered by a federal, state or local agency without that agency's approval.
27. The permittee shall not construct facilities designed or used for human habitation nor that include sewage or fuel handling facilities.